IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2218 of 2005

Between:

Dowlanna, S/o Isak,
Shop No. III, Neelpally, Yelkur of Maldakal Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The Joint Collector, Mahabubnagar.
2 The Revenue Divisional Officer, Gadwal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the orders of the1st respondent in Case No. CS1/1050/2004 dated nil confirming the orders of the 2nd respondent in his Proceedings No. G/1223/2004 dated 17-10-2004 in cancelling the authorisation of the petitioner to run F.P. Shop No. III of Neelpally Village H/o Yelkur Village, Maldakal Mandal, Mahabubnagar District as arbitrary, illegal, unconstitutional and violative of principles of natural justice and consequently direct the respondents to permit the petitioner to run the F.P. Shop and to pass such other order or orders which are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner was cancelled by the second respondent, through his order dated 17.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent and it was dismissed. The petitioner submits that he intends to avail the remedy of revision before the Collector and meanwhile the second respondent is taking steps to appoint a dealer in his place, on regular basis.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The second respondent issued a show cause notice, dated 22.06.2004, to the petitioner directing him to explain as to why his authorization shall not be cancelled. The petitioner submitted his explanation on 29.06.2004. On a consideration of the same, the second respondent cancelled the authorization on 17.10.2004. The appeal was also rejected. Obviously with a view to ensure proper supply of commodities to the card-holders, the second respondent is taking steps to appoint a dealer on regular basis. However, the petitioner has a remedy by way of revision before the Collector. Any appointment made in the meanwhile would complicate the issue.

Hence, the writ petition is disposed of directing that the second respondent shall not take any steps for appointment of a dealer in the place of the petitioner, on regular basis, for a period of four weeks from today. Meanwhile, it shall be open to the petitioner to avail the remedy of revision and seek appropriate orders. There shall be no order as to costs.

10.02.2005

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To

1 The Joint Collector, Mahabubnagar.
2 The Revenue Divisional Officer, Gadwal, Mahabubnagar District.

3 Two CCs. to the G.P. for Civil Supplies, High Court of

A.P.,Hyderabad (OUT).

4 Two CD copies.